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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,319	02/12/2002	Armando M. Diaz	14-120-1	6422
24131	7590	03/11/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			GRIER, LAURA A	
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DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/074,319	<b>Applicant(s)</b> DIAZ ET AL.	
	<b>Examiner</b> Laura A Grier	<b>Art Unit</b> 2644	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities: throughout the specification of the invention, “micro controller” is recited. The suggested spelling is – microcontroller – or – micro-controller --.

Appropriate correction is required.

***Claim Objections***

2. Claims 1-2, 4, 6, and 13 are objected to because of the following informalities: “micro controller” is recited. The suggested spelling is -- microcontroller -- or -- micro-controller --.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13, line 4, recites, “... playback over ...”. The claim language provides indefiniteness as to what is being claimed.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Groeger in view of Arrowsmith et al., U. S. Patent No. 6112064.

Regarding **claim 1**, Groeger et al. (herein, Groeger) discloses a radio receiver including a recording unit for audio data (figure 2). Groeger's disclosure comprises a recording unit (6) comprising digital memories (14/12) for storing audio data, wherein the data in the memories can be played back via speakers, which reads on programming a storage and playback circuit with a message or message particulars (col. 1, lines 39-43, col. 2, lines 21-25, 36-43 and 49-58); further the digital memory 12 is associated with a controller which reads on a micro controller (col. 2, line 24), and with the recording unit (6) coupled with the radio (2) - figure (2), reads on the circuitry comprising a micro controller and an audio integrated circuit;

the recording unit (6) is connected to between a demodulator (22) and an amplifier (10) – (figure 2, col. 3, lines 1-10), which reads on connecting the storage and playback circuit a demodulator and an amplifier of a radio, and indicates the demodulating inputting a signal to the recording unit and playback unit of the radio, reads on inputting a signal from the demodulator to the audio integrated circuit. Even though, Groeger discloses via the connection of the memory, the demodulator and the amplifier enabling playback of a prerecorded message instead of the

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incoming signal (col. 3, lines 1-10), Groeger fails to disclose automatically initiating periodic replacement of the received radio signal with the message.

Regarding automatically initiating periodic replacement of the received radio signal with the message, in a similar field of endeavor, Arrowsmith et al. (herein, Arrowsmith) discloses RDS radio with multi-function RDS button. Arrowsmith's disclosure comprises a RDS button for enabling an automatic reproduction of an announcement (col. 4, lines 22-47), which reads on initiating automatic replacement of the receive signal with a record message.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Groeger by implementing a means for enabling an automatic reproduction of a recorded message (announcement) instead of an incoming broadcast signal for the purpose allow the user to have a simple and natural access to RDS features as taught by Arrowsmith.

6. **Claims 3-6, 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Groeger and Arrowsmith in view of Thompson, III, U. S. Patent 6111963.

Regarding **claim 3**, Groeger discloses a radio receiver including a recording unit for audio data (figure 2). Groeger's disclosure comprises a recording unit (6) comprising digital memories (14/12) for storing audio data, wherein the data in the memories can be played back via speakers, wherein the recording unit is connected to between a demodulator (22) and an amplifier (10) – (col. 2, lines 21-25, 36-43, col. 3, lines 1-10), which reads on apparatus connected to a radio comprising a storage and playback connected between a demodulator and an amplifier. Even though, Groeger discloses via the connection of the memory, the demodulator

and the amplifier enabling playback of a prerecorded message instead of the incoming signal (col. 3, lines 1-10), Groeger fails to disclose automatically initiating periodic replacement of the received radio signal with the message.

Regarding automatically initiating periodic replacement of the received radio signal with the message, in a similar field of endeavor, Arrowsmith et al. (herein, Arrowsmith) discloses RDS radio with multi-function RDS button. Arrowsmith's disclosure comprises a RDS button for enabling an automatic reproduction of an announcement (col. 4, lines 22-47), which reads on initiating automatic periodic replacement of the receive signal with a record message.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Groeger by implementing a means for enabling an automatic reproduction of a recorded message (announcement) instead of an incoming broadcast signal for the purpose allow the user to have a simple and natural access to RDS features as taught by Arrowsmith.

Further, Groeger and Arrowsmith fails to specifically disclose a timer. In a similar field of endeavor, Thompson, III (herein, Thompson) disclose an electronic vehicular audio playback system. Thompson's disclosure comprises a timing means such as a trigger for enabling playback of a stored message for a specific period of time (col. 3, lines 15-16, 23-30 and col. 4, lines 45-54), which reads on a timer.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Groeger and Arrowsmith by implement a timing means for the purpose of providing sequential or periodic playback of prerecorded messages as taught by Thompson.

Regarding **claim 4**, Groeger, Arrowsmith and Thompson (herein, Groeger combination) disclose everything claimed as applied above (see claim 3). Groeger combination (Groeger) further discloses digital memory 12 is associated with a controller which constitutes as a micro controller, which reads the storage and playback circuit comprising a micro controller (col. 2, lines 21-25).

Regarding **claim 5**, Groeger combination discloses everything claimed as applied above (see claim 4). Groeger combination (Groeger) further disclose with the recording unit (6) coupled with the radio (2) - figure (2), reads on the circuitry comprising an audio integrated circuit.

Regarding **claim 6**, Groeger combination discloses everything claimed as applied above (see claim 5). Groeger combination (Groeger) disclose a decoder which inherently constitutes a RDS separator as evidence by the fact that of the presence of RDS and the fact particular data may be displayed by a display of the radio device which typical RDS information, and the demodulated signal is monitored in the decoder for the occurrence of identifiers of the message data which is stored for later retrieval (col. 2, lines 49-58, col. 3, lines 1-10), wherein the decoder is coupled to the digital memory 12 which has an associated controller which reads on a micro-controller coupled thereto, and the controller is connected to the recording unit of the radio device reads on the micro-controller being connected to the said audio integrated circuit.

Regarding **claim 12**, Groeger combination discloses everything claimed as applied above (see claim 5). Groeger combination's (Arrowsmith) disclosure comprises a RDS button for enabling an automatic reproduction of an announcement (col. 4, lines 22-47), reads on initiating

automatic periodic replacement of the receive signal with a record message, which obviously reads on the playback circuit interrupting the received radio broadcast and replace it with a prerecorded message.

7. **Claims 2 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Groeger in view of Noda, U. S. Patent No. 5867776.

Regarding **claim 2**, Groeger and Arrowsmith discloses everything claimed as applied above (see claim 1). Groeger and Arrowsmith's (Groeger) decoder inherently constitutes a RDS separator as evidence by the fact that of the presence of RDS and the fact particular data may be displayed by a display of the radio device which typical RDS information, and the demodulated signal is monitored in the decoder for the occurrence of identifiers of the message data which is stored for later retrieval (col. 2, lines 49-58, col. 3, lines 1-10), which reads on the demodulator inputting to the RDS separator. However, Groeger and Arrowsmith fail to specifically disclose the decoder (RDS separator) connected to the radio to receive signals from an IF amplifier.

Regarding the IF amplifier, in a similar field of endeavor, Noda discloses a receiver comprising an IF amplifier (col. 6, lines 54-56).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Groeger and Arrowsmith by providing an IF amplifier for the purpose of inputting intermediate signals to the decoder coupled with the demodulated signal.

8. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Groeger combination in view of Noda.



Regarding **claim 7**, Groeger combination disclose everything claimed as applied above (see claim 6). Groeger combination (Groeger) further discloses the demodulator inputting to the recording unit and playback unit of the radio, reads the audio integrated circuit receiving an input from the demodulator, and demodulator being coupled to input to the decoder. However, Groeger combination fail to specifically disclose the decoder (RDS separator) connected to receive signals from an IF amplifier.

Regarding the IF amplifier, in a similar field of endeavor, Noda discloses a receiver comprising an IF amplifier (col. 6, lines 54-56).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Groeger combination by providing an IF amplifier for the purpose of inputting intermediate signals to the decoder (RDS separator) coupled with the demodulated signal.

9. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Groeger and Arrowsmith in view of Sass, U. S. Patent No. 6823225.

Regarding claim 8, Groeger and Arrowsmith (Arrowsmith) disclose everything claimed as applied above (see claim 1). Groeger and Arrowsmith (Arrowsmith) discloses a an RDS or RBDS receiver (20), which receives radio broadcast signals and outputs the signal via a speaker; and indicates detecting an RDS signal via the RDS or RBDS receiver and the multi-function RDS button (15) – col. 2, lines 26-44; and col. 4, lines 22-52, indicates upon determining that an RDS is signal is present and detecting a regular program broadcast, and automatically playing a prerecorded message instead and alternately periodically playing at least on prerecorded message

instead of portion of the radio broadcast. Even though, Arrowsmith discloses the this technique of reproducing message or a normal broadcast in a receiver can be used in other types of announcements, Groeger and Arrowsmith fail to disclose the technique for commercials.

In a similar field of endeavor, Sass discloses a receiver (12) and discloses information such as commercial being selected in place of a currently broadcasted commercial (col. 11, lines 41-50).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Groeger and Arrowsmith by providing the replacement of a broadcast commercial with a prerecorded commercial or message for the purpose of providing intelligent selection of programs and information for a user as taught by Sass.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arrowsmith in view of Sass, U. S. Patent No. 6823225.

Arrowsmith discloses a RDS radio with multi-function RDS button. Arrowsmith discloses a an RDS or RBDS receiver (20), which receives radio broadcast signals and outputs the signal via a speaker; and indicates detecting an RDS signal via the RDS or RBDS receiver and the multi-function RDS button (15) – col. 2, lines 26-44; and col. 4, lines 22-52, indicates upon determining that an RDS is signal is present and detecting a regular program broadcast, and automatically playing a prerecorded message instead and alternately periodically playing at least on prerecorded message instead of portion of the radio broadcast. Even though, Arrowsmith discloses the this technique of reproducing message or a normal broadcast in a receiver can be

used in other types of announcements, Arrowsmith fails to disclose the technique for commercials.

In a similar field of endeavor, Sass discloses a receiver (12) and discloses information such as commercial being selected in place of a currently broadcasted commercial (col. 11, lines 41-50).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Arrowsmith by providing the replacement of a broadcast commercial with a prerecorded commercial or message for the purpose of providing intelligent selection of programs and information for a user as taught by Sass.

11. Claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response To Arguments***

12. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.


The applicant essentially argues that Groeger discloses a manual activation for playback of a prerecorded message instead of receiver broadcast signal, and not automatic initiation of periodic replacement of prerecorded message. In respect the amended claim limitations, a new reference has been provided to modify the teachings of Groeger, which teaches an automatic reproduction of prerecorded information based upon the activation of a disable/enable button.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura A. Grier  
March 7, 2005